



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Smith, Jane T., of County Counsel's Office (for Petitioner Public Guardian, Conservator)

(1) First and Final Account and Report of LPS Conservator (2) Petition for Allowance of Compensation to Conservator and Her Attorney

DOD: 3/2/2006		PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 8/16/2012. Minute Order states Mr. Meyer advises the Court that he is not on this case. Matter continued to the nine o'clock calendar for hearing on 9/13/2012. 1. <i>Petition</i> does not include information regarding the disposition of the Allstate Life Insurance benefit check issued to the Conservatee (check amount not indicated) and mailed to Conservator in September 2005, as well as the need for establishment of a decedent's estate to receive the life insurance benefits on behalf of the deceased Conservatee, issues which are both referenced in the Conservator's <i>Statement of Services Rendered</i> in entries dated 8/10/2006. Additionally, <i>Petition</i> does not include information regarding the furniture and furnishings valued at \$250.00 per <i>Partial Appraisal</i> filed 7/13/2005, which is stated on <i>Schedule "Other Credits"</i> as having been distributed to the Public Administrator on 12/13/2006. Court may seek additional information to explain disposition of these assets. 2. <i>Petition</i> does not provide any explanation as to the delay in closing the conservatorship estate, particularly in light of the fact that the Conservatee died on 3/2/2006 and the last document filed in this matter prior to this final account filed 7/11/2012 is the <i>Final Inventory and Appraisal</i> filed on 9/27/2006.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit		
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<input checked="" type="checkbox"/>	Inventory		
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Account Period: 4/13/2005 – 3/2/2006 Accounting - \$99,487.06 Beginning POH - \$89,962.10 Ending POH - \$90,754.46 Subsequent Account Period: 3/3/2006 – 6/4/2012 Accounting - \$92,427.43 Beginning POH - \$90,754.46 Ending POH - \$ 3,338.70 (all cash) Conservator - \$2,758.80 (22.20 Deputy hours @ \$80/hr and 15.60 Staff hours @ \$63/hr; no explanation for lower hourly rates usually charged at \$96/hr and \$76/hr respectively; itemization includes dates of service from 4/19/2005 to 9/13/2006.) Attorney - \$2,500.00 (per Local Rule) Bond fee - \$25.00 (o.k.) (only one year requested since Conservatee died in 2006) Petition indicates the Conservatee possessed a 1/3 life estate interest in real property valued at \$88,735.00 , which interest expired upon the death of the Conservatee; the remaining life estate interest appears to still be held by the surviving joint life estate owner, DOUGLAS SETRAKIAN , brother. Petitioner prays for an Order: 1. Approving, allowing and settling the First and Final Account; 2. Authorizing the conservator and attorney fees and commissions; 3. Authorizing payment of the bond fee; 4. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions due to insufficiency of the estate; 5. Finding there is no estate to distribute to the Conservatee's heir after payment of court-authorized commissions and fees of the deceased Conservatee's estate.

Reviewed by: LEG
Reviewed on: 9/7/12
Updates:
Recommendation:
File 1 – Besoyan

(1) First and Final Account and Report of Executor, Report of Special Administrator, (2) Petition for Final Distribution, and for (3) Statutory and Extraordinary Fees to Executor and Attorney (Prob. C. 11600, 11640, 10800, 10810, 11811)

DOD: 3-21-11		BRUCE M. BROWN , Executor with Full IAEA without bond, is Petitioner. Account period: 3-11-11 through 7-31-12 Accounting: \$ 124,659.05 Beginning POH: \$ 94,356.27 Ending POH: \$ 90,932.59 (\$51,096.59 cash plus various personal property items and stock) Executor (Statutory): \$4,739.77 Attorney (Statutory): \$4,739.77 Attorney (Extraordinary): \$866.25 (for appointment of a special administration to complete sale of decedent's interest in real property) Costs: \$1,270.00 (filing, publication, certified copies) Reserve: \$2,500.00 Distribution pursuant to Decedent's will: Marcela Tena: \$36,980.80 cash plus various personal property items and stock.	NEEDS/PROBLEMS/COMMENTS:	
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Duties/Supp			
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<input type="checkbox"/>	Video Receipt			
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<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Status Rpt			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc Reviewed on: 9-7-12 Updates: Recommendation: File 2 - Serian	

Atty Kruthers, Heather H (for the Public Administrator/Administrator)

Atty Poindexter, James W. of San Francisco (for Petitioner American Heart Association, Inc.)

American Heart Association, Inc.'s Petition to Entitlement to Distribution of Bequest to "Heart Research", Memorandum of Points and Authorities, Declaration of Teresita Marcelo (Prob. C 11700 et seq)

DOD: 10/18/2011		AMERICAN HEART ASSOCIATION, INC. is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order
		Petitioner states Decedent's audiotaped Will, as confirmed by Settlement Agreement and Mutual Release, provides for a distribution of 20% of the residue of the estate in equal shares to 4 charities, including "Heart Research."	
Cont. from		On 7/23/12 the Court approved the Settlement Agreement including the proposed distribution to "Heart Research."	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
The Administrator provided notice of the hearing to approve the Settlement Agreement to the American Heart Association, as well as Heart Research of Sacramento, Inc. and Heart Research of San Francisco. None of the other organizations has made a claim to the Heart Research bequest. Heart Research of Sacramento responded by letter stating it had "Closed our doors on December 31, 2011 and are not taking any further donations." Heart Research – San Francisco did not respond and according to the California Secretary of State's online records, is a suspended California Corporation and is not listed as an exempt charitable organization. Cy Pres Doctrine: Petitioner alleges that where a settlor with a general charitable intent gives property for a specific purpose, and for some reason that purpose cannot be carried out or cannot be given direct effect by reason of a named beneficiary ceasing to exist, a court of equity will, under the rule of cy pres, direct the disposition of the property to some related charitable purpose, in order to carry out the settlor's intention as nearly as possible. Please see additional page			
			Reviewed by: KT Reviewed on: 9/7/12 Updates: Recommendation: File 3 - Boghosian

The American Heart Association is a recognized world-wide leader in cardiovascular research. It has contributed \$3.3 billion toward cardiovascular research since 1949.

Points and Authorities attached to Petition.

Wherefore, American Heart Association, Inc. requests that the bequest in the Will of Jack H. Boghosian to "Heart Research" be determined to be a charitable gift to the American Heart Association, Inc. since "Heart Research" does not refer to any active and existing charitable organization and since American Heart Association is, under the doctrine of cy pres, a most appropriate recipient of the charitable gift to "Heart Research."

DOD: 6-13-11		JASON SNYDER , Administrator with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$416,453.23 POH: \$24,255.74 cash plus real property interest and various securities Administrator (Statutory): Waived Attorney (Statutory): \$11,329.06 Closing: \$2,500.00 (accountant and reserve) Distribution pursuant to intestate succession: Thomas E. Snyder: \$5,213.34 plus a one-half interest in the estate assets Jason Snyder: \$5,213.34 plus a one-half interest in the estate assets	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w/o		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters 2-22-12		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9-7-12
			Updates:
			Recommendation: SUBMITTED
			File 4 - Snyder

DOD: 5-8-11		PAUL G. HULSHOF, Trustee of the BONNIE HULSHOF 2010 REVOCABLE TRUST, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states: Settlor BONNIE HULSHOF had two children, Petitioner and GEORGIA BRACKETT, and in her trust expressed intent that her children receive equal shares of her estate upon her passing.	1. The investment account that assets were liquidated <u>from</u> (the Income Fund of America account) is listed on the Trust's Schedule A as an asset of the Trust.
	Aff.Sub.Wit.	The assets assigned to the Trust in its Schedule A constituted substantially all of her property and estate, and included securities/investments, including accounts with the Income Fund of America, Franklin Fund, and Wells Fargo Advisors. Concurrently with the execution of her Trust, she also executed a will that left any property held outside the Trust to the Trust, except for personal effects, which were left in equal shares to her children.	Petitioner alleges that the account(s) that the assets were transferred <u>to</u> by Ms. Brackett were also assets of the Trust, and requests that the Court make such determination.
✓	Verified		
	Inventory	Petitioner states that in or about October 2010, GEORGIA BRACKETT caused shares of the Income Fund of America held by the settlor to be liquidated and \$457,031.35 to be withdrawn and placed in an account which Ms. Brackett controlled and on which Ms. Brackett was named as a beneficiary. Petitioner is informed and believes that the account into which the funds were placed was also intended and believed by the Settlor to be a Trust account and was assigned and subjected to the Trust by the settlor and is referred to in the Trust as a Trust account and asset.	However, Petitioner does not identify the account(s) that the assets were transferred <u>to</u> ; therefore, Examiner is unable to confirm if such account(s) are listed on Schedule A.
	PTC		
	Not.Cred.	Petitioner states the settlor was dependent on Ms. Brackett to help meet her basic needs and Ms. Brackett, who she placed faith and confidence in, misrepresented to the settlor that such transfer was necessary to protect and secure her assets from loss.	The Court may require further information to make an order as requested.
✓	Notice of Hrg		
✓	Aff.Mail	Petitioner is informed and believes that the settlor at all times believed her estate would be divided equally between her children, and that in allowing such transfers, she relied on representations that were not true, and as a result of the exercise of undue influence by Ms. Brackett, and as a result of her advanced age, infirmities and declining health, the settlor was not aware that Ms. Brackett had arranged for funds to be transferred to her control, and for the account to be titled as no subject to the Trust.	2. Need Order.
	Aff.Pub.		
	Sp.Ntc.	SEE PAGE 2	Reviewed by: skc
	Pers.Serv.		
	Conf. Screen	Reviewed on: 9-7-12	Updates:
	Letters		
	Duties/Supp	Recommendation:	File 5 - Hulshof
	Objections		
	Video Receipt		
	CI Report		
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	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner states he administered the funds and assets of the Trust that were not taken by Ms. Brackett for the settlor's benefit up to the date of her death. Substantial sums were expended for her care and support. Without the funds and property wrongfully taken by Ms. Brackett, Petitioner as trustee cannot now make an equal division and distribution pursuant to the Trust. Unless the funds and property wrongfully taken are recovered, Ms. Brackett will, contrary to the settlor's intent and terms of the Trust, receive a greater share than intended.

Petitioner states that in causing the transfers described and taking funds of the settlor and the Trust, Ms. Brackett acted in bad faith to gain control of the settlor's assets for her personal benefit and gain. Petitioner is informed and believes that by her actions, Ms. Brackett took property of the settlor and Trust in bad faith by use of wrongful acts including misrepresentations and by exercise of undue influence to gain unwarranted personal benefit not intended by and against the will of the settlor and through the commission of elder and/or dependent adult financial abuse.

Petitioner states despite repeated demand that Ms. Brackett turn over the assets wrongfully taken and the accounts the settlor assigned and intended to be administered as part of the Trust, she has failed to do so.

Petitioner states Ms. Brackett acted in bad faith in wrongfully taking property of the settlor and Trust and is liable under Probate Code §859 for twice the value or amount of \$457,031.35 wrongfully taken.

Petitioner prays for an order:

1. Determining that \$457,031.35 taken by Ms. Brackett and the accounts to which it was transferred, deposited and/or invested are property and assets of the Trust and ordering the funds and accounts to be turned over and returned to Petitioner as Trustee;
2. Determining that Ms. Brackett is liable for, and awarding the Trust twice the value of the amount taken, for the bad faith wrongful taking of property of the settlor and Trust;
3. For Petitioner's costs, including reasonable attorney's fees; and
4. For such other and further orders as the Court deems just and proper.

Atty LeVan, Nancy J. (for Lorena Garcia – Daughter – Administrator)
 Atty Emerzian, David L (for Omega Ochoa Garcia – Surviving Spouse)

Further Status Hearing

DOD: 2-7-07		<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond.</p> <p>Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:</p> <p>1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and</p> <p>2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.</p> <p>Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.</p> <p>Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.</p> <p>Minute Order 3-13-12: Counsel informs the Court that the case has been appealed.</p> <p>As of 9-7-12, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Examiner Notes from the 10-4-11 status hearing with a brief chronology of this case are in the file for reference. Examiner notes that this is the 3rd status hearing for failure to file account or petition for final distribution.</p> <p>1. <u>Need account or current status report.</u></p> <p>Examiner notes that Letters issued <u>over 4 years ago</u> and the Court approved continuation of estate administration <u>over 3 years ago</u>.</p> <p>At recent hearings, status was provided regarding the <u>civil matter</u>; however, account current or status of <u>this estate</u> is needed if the estate is not in a position to be closed (<u>Probate Code §12200</u>).</p> <p>At hearing on 7-26-11, the Court was advised that the estate was awarded \$184,798.00, but a new trial may affect that award. The I&A value of the estate as of the date of death was \$5,125.00; however, it is unknown if other amounts have been recovered or received, etc.</p> <p>For example, at this point, what is the property on hand, and how is it held, etc.?</p>
Cont. from 120611, 031312			
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Duties/Supp			
Objections			
Video Receipt			
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Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 9-7-12
Updates:
Recommendation:
File 9 - Garcia

First Account Current and Report of Guardian and Petition for Allowance of Compensation to Guardian and Attorney (Probate Code 2620, 2623, 2942)

Age: 9 years DOB: 1/6/2003		PUBLIC GUARDIAN, Guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/13/2010 – 6/14/2012	
		Accounting - \$35,480.54	
Cont. from		Beginning POH - \$18,912.87	
	Aff.Sub.Wit.	Ending POH - \$35,480.54	
✓	Verified	Conservator - \$1,038.80	
	Inventory	(8.05 Deputy hours @ \$96/hr and 3.5 Staff hours @ \$76/hr)	
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Attorney - \$1,500.00 (less than allowed per Local Rule)	
✓	Aff.Mail	W/	
	Aff.Pub.	Bond fee - \$241.60 (o.k.)	
	Sp.Ntc.		
	Pers.Serv.	Court fees - \$104.00	
	Conf. Screen		
	Letters		
	Duties/Supp	Petitioner prays for an Order:	
	Objections	1. Approving, allowing and settling the first account.	
	Video Receipt	2. Authorizing the guardian and attorney fees and commissions	
	CI Report	3. Payment of the bond fee and court fees.	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/7/12
			Updates:
			Recommendation:
			File 12 - Estrada